IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 22450 of 2007(V)

AGAINST THE ORDER IN EA.260/06 IN
OS.38/1988 of PRINCIPAL SUB COURT,KOCHI

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PETITIONER:

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1. K.S.JOSHY, AGED 52 YRS, S/O. SANKUNNU, RESIDING IN 2C, LOTUS APARTMENTS, D.H.ROAD, ERNAKULAM

2. ANAND M. CHANDRAN, S/O. CHANDRAN, 2/307, MANNATH HOUSE, KOTTEKKAD, PALAKKAD, REP. BY THE POWER OF ATTORNEY HOLDER SHRI. K.S. JOSHY, THE 1ST PETITIONER HEREIN

3. ADARSH M. CHANDRAN, S/O. CHANDRAN, -DO-

4. ARCHANA M.CHNANDRAN, D/O. CHANDRAN, -DO-

BY ADV. SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS:

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1. BANK OF INDIA, UDYOGAMANDAL BRANCH, ELOOR ERNAKULAM, REP. BY ITS BRANCH MANAGER

2. P.R.AMMU, 16/688A, T & R CROSS ROAD, THOPPUMPADY KOCHI-5, ERNAKULAM

BY ADV. SRI.DEVAN RAMACHANDRAN
SMT.T.G.SEETHAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.22450 OF 2007 V

Dated this the 25th July, 2007.

JUDGMENT

I disposed of this case by dictation in open Court on 23.7.2007 and as the caveator was not heard I posted the matter 'to be spoken to'.

2. Heard both sides.

3. Now the prayer in the writ petition is to set aside the sale dated 15.7.2006 in E.A.260/06 in O.S.38/88 of the Subordinate Judge's Court, Kochi. I am informed that the writ petitioner has filed an application for setting aside the sale and it has been dismissed for non-prosecution. The said application was under Order XXI Rule 89 CPC. Now learned counsel for the writ petitioner submits that he has already filed an application to get it restored and it is pending before the same court. Considering the circumstances, I direct the court below not to issue sale certificate till 27.7.2007 and in the meanwhile the petitioner can request the court to dispose of the application filed by him for restoration of the E.A. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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